



DATE FILED <u>6-29-2022</u>
APPLICATION NUMBER <u>2022-766</u>
For office use only

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- ☒ A change in zoning classification of the property hereinafter described; or
☐ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 215-081-43

Address of property: 11330 Brigman Road, Matthews, NC 28105

Location of property: South side of Brigman Road, south of Matthews-Mint Hill Road

Title to the property was acquired on September 6, 1980

and was recorded in the name of *Brigman Family Farm Properties, a North Carolina general partnership
whose mailing address is c/o Ms. Sybil Brigman, 88 Gracelyn Road, Asheville, NC 28804

*** Title is vested in P.F. Brigman Properties, LLC (successor by name change to Brigman Family Farm Properties)**

The deed is recorded in Book 4341 and Page 865 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classifications: R-15 Requested zoning classification: ENT

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number

2022-766
For office use only

See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

APPLICANT: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office June 29, 2022

Town Board of Commissioners formally accepts application and sets Public Hearing date July 11, 2022


Notices sent via mail to affected/adjacent property owners on or before July 25, 2022 August 29, 2022

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning August 8, 2022 September 12, 2022

Town Planning Board reviews request, information, and comments from the public hearing, then makes a September 27, 2022 recommendation to the Board of Commissioners on whether to approve or deny the request August 23, 2022

Town Board of Commissioners approves or denies application September 12, 2022 October 10, 2022

The Matthews Board of Commissioners General Procedures Policy on Zoning and Development Case Appearances Before the Town Board, initially adopted October 8, 2018, explains the Board of Commissioners' expectations that this application is ready for public review and action, and that the above schedule can be followed without delays. By signing below, the property owner(s) and all other parties involved in preparing and presenting this zoning application indicate they have read and understand their responsibility to submit complete and accurate documents in a timely manner throughout the review process. Late or missing (new or revised) documents may limit the applicants opportunity to present updated information, which may result in an unfavorable decision.

Signature of  5/24/2022
☒ Property Owner Date
☐ Agent for Property Owner
☐ Other (please identify) _____

Signature of _____ Date _____
☐ Property Owner
☐ Agent for Property Owner
☒ Other (please identify) Petitioner

Signature of _____ Date _____
☒ Property Owner
☐ Agent for Property Owner
☐ Other (please identify) _____

SUMMARY OF THE REZONING PROCESS

APPLICANT: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office June 29, 2022

Town Board of Commissioners formally accepts application and sets Public Hearing date July 11, 2022
~~June 13, 2022~~

Notices sent via mail to affected/adjacent property owners on or before July 25, 2022 August 29, 2022

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning August 8, 2022 September 12, 2022

Town Planning Board reviews request, information, and comments from the public hearing, then makes a September 27, 2022
recommendation to the Board of Commissioners on whether to approve or deny the request August 23, 2022

Town Board of Commissioners approves or denies application September 12, 2022 October 10, 2022

The Matthews Board of Commissioners General Procedures Policy on Zoning and Development Case Appearances Before the Town Board, initially adopted October 8, 2018, explains the Board of Commissioners' expectations that this application is ready for public review and action, and that the above schedule can be followed without delays. By signing below, the property owner(s) and all other parties involved in preparing and presenting this zoning application indicate they have read and understand their responsibility to submit complete and accurate documents in a timely manner throughout the review process. Late or missing (new or revised) documents may limit the applicants opportunity to present updated information, which may result in an unfavorable decision.

Signature of ☒ Property Owner _____ Date _____
☐ Agent for Property Owner _____
☐ Other (please identify) _____

Signature of ☐ Property Owner Noammanee 5/23/22
☐ Agent for Property Owner Secretary of NEP Properties LLC _____
☒ Other (please identify) Petitioner _____

Signature of John Cannichael 6/28/22
☐ Property Owner _____ Date _____
☒ Agent for Property Owner _____
☐ Other (please identify) _____

*[Signature Page of Property Owner, P.F. Brigman Properties, LLC, to Rezoning Application
filed by The NRP Group]*

P.F. BRIGMAN PROPERTIES, LLC

By: Sybil Brigman

Name: Sybil Brigman

Title: Manager

Mailing Address:

c/o Ms. Sybil Brigman
88 Gracelyn Road
Asheville, NC 28804

Phone: ~~828-250-0069~~ 828-242-3582

Email: sabrigman@~~charter.net~~
gmail.com

2022-7600

[Signature Page of Petitioner to Rezoning Application filed by The NRP Group]

THE NRP GROUP LLC

By: 

Name: Noam Magence

Title: Secretary

Mailing Address:

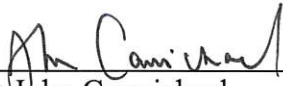
c/o Jason Mochizuki
The NRP Group
6605 Central Pacific Avenue, # 104
Charlotte, NC 28210

Phone: 510-295-3252

Email: JMochizuki@nrpgroup.com

[Signature Page of Petitioner's Agent to Rezoning Application filed by The NRP Group]

ROBINSON BRADSHAW & HINSON, P.A.


By: John Carmichael

Agent: John Carmichael

Mailing Address:

101 N. Tryon St., Suite 1900
Charlotte, NC 28246

Phone: (704) 377-2536

Email: jcarmichael@robinsonbradshaw.com

TAXPID	OWNERLASTN	OWNERFIRST	COWNERS	COWNERLAST	MAILADDR1	MAILADDR2	CITY	STATE	ZIPCODE
21508136	1100 Matthews Mint Hill LLC				1420 E 7th Street	Suite 150	Charlotte	NC	28204
21508139	USCMF Briley LP				333 West Wacker Drive	28th Floor	Chicago	IL	60606
21508140	1100 Matthews Mint Hill LLC				1420 E 7th Street	Suite 150	Charlotte	NC	28204
21508129	iStar Bowling Centers II LP		c/o AMF Bowling Centers, Inc.		7313 Bell Creek Road		Mechanicsville	VA	23111
21508107	Brigman	Linda Little	Robert Wayne	Brigman	88 Gracelyn Road		Asheville	NC	28804
21508107	Grigston	Francis Jean Brigman	Kyla Janelle Jones	Sipprell	88 Gracelyn Road		Asheville	NC	28804
21508107	Jones	Sybil Brigman			8621 E 21st Street	Suite 200	Wichita	KS	67206
21508106	Woodspring Suites Charlotte Matthews, LLC				285 Cannon Road		Salisbury	NC	28147
21508106	ISKJ Properties LLC				5800 Old Pineville Road	Suite 201	Charlotte	NC	28203
21508122	LJ Partnership		c/o Southend Properties		1800 Camden Road	Suite 200	Charlotte	NC	28203
21508130	Brigman Family Farm Properties		c/o Sybil Jones		88 Gracelyn Road		Asheville	NC	28804
21508138	Brigman Family Farm Properties		c/o Sybil Jones		88 Gracelyn Road		Asheville	NC	28804
21508128	Elevation Church				11416 E Independence Blvd	Suite N	Matthews	NC	28105
21508115	Mecklenburg County		c/o Real Estate Finance Dept		600 E 4th Street	11th Floor	Charlotte	NC	28202
21508142	Mecklenburg County		c/o Real Estate Finance Dept		600 E 4th Street	11th Floor	Charlotte	NC	28202
21508113	Brigman Family Farm Properties		c/o Sybil Jones		88 Gracelyn Road		Asheville	NC	28804
21508143	Brigman Family Farm Properties		c/o Sybil Jones		88 Gracelyn Road		Asheville	NC	28804



2022-766

ROBINSON
BRADSHAW

jcarmichael@robinsonbradshaw.com
704.377.8341 : Direct Phone
704.373.3941 : Direct Fax

June 29, 2022

BY HAND DELIVERY

Mr. Jay Camp, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application filed by The NRP Group Requesting the Rezoning of an
Approximately 15.08 Acre Site Located on the South Side of Brigman Road (Tax
Parcel No. 215-081-43)

Dear Jay:

I hope this letter finds you well.

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 12 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions (the "Instructions"). As you are aware, Paragraph 12 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 15.08 acres and is located on the south side of Brigman Road, south of Matthews-Mint Hill Road, and the site is comprised of Tax Parcel No. 215-081-43. The site is currently zoned R-15.

Pursuant to the above Rezoning Application, the Applicant is requesting the rezoning of the site to the ENT zoning district. The purpose of this rezoning request is to accommodate a mixed use development on the site that would be comprised of a maximum of 384 multi-family dwelling units and a minimum of 16,000 square feet and a maximum of 20,000 square feet of gross floor area devoted to office, retail, restaurant and/or other non-residential uses. The proposed development is more particularly described and depicted on the Conditional Rezoning Plan associated with this Rezoning Application, and the proposed development would be an urban,

pedestrian friendly development. This 15.08 acre site is a portion of the area that is envisioned by the Town to ultimately be located in the ENT zoning district.

The Entertainment District Small Area Plan adopted by the Board of Commissioners on December 8, 2014 (the "Plan") provides land use and design recommendations for the site and the ENT zoning district. On Page 142 of the Plan, the Plan provides that "the Entertainment District shall incorporate spaces for permanent residences, transitory housing, employment opportunities, indoor and outdoor recreation, shopping, dining, and daily living services in a compact pedestrian-friendly neighborhood." In the Applicant's view, the proposed development would satisfy this statement because the Conditional Rezoning Plan provides for a mixture of uses on the site, and the Conditional Rezoning Plan depicts a compact pedestrian-friendly neighborhood.

The Plan sets forth multiple guiding principles for the ENT zoning district, and this proposed development furthers these guiding principles in the Applicant's view. The Plan calls for an urban scale neighborhood. The proposed development, as seen from the Conditional Rezoning Plan, would be a dense, urban scale neighborhood with multi-story buildings that would front and be pulled up to the relevant streets.

The Plan calls for a mixture of uses on the site to serve the residents living on the site and visitors to the site. As noted above, the Applicant's Conditional Rezoning Plan provides for a mixture of uses on the site.

The Plan recognizes that a potential transit station could be located in close proximity to the site. The density proposed under the Conditional Rezoning Plan would help support this potential transit station.

The Plan speaks to the creation of a walkable, pedestrian-friendly development on the site. The Applicant's proposed development would be a walkable, pedestrian-friendly development. The pedestrian environment would be enhanced through the location of the buildings next to the streets and the exterior design of the buildings.

The proposed development would serve as an economic engine for the surrounding area, increase the tax base and add value to the already successful Sportsplex. The proposed development could provide dining and retail options for visitors to the Sportsplex, and the adjacent Sportsplex would be beneficial to the residents living on the site.

In summary, the Applicant is of the opinion that the proposed development satisfies the overall intent of the Plan and the policies adopted by the Board of Commissioners with respect to the ENT zoning district.

2022-764

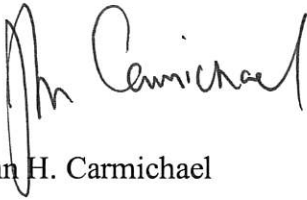
Mr. Jay Camp, Planning Director
June 29, 2022
Page 3

Jay, the Applicant and I look forward to working with you and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

A handwritten signature in black ink, appearing to read "John H. Carmichael". The signature is written in a cursive, flowing style.

John H. Carmichael

Polaris 3G Map – Mecklenburg County, North Carolina

2022-766

Date Printed: 6/28/2022 7:38:14 AM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the abovementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.